

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

TIMOTHY C. BORUP, individually and
on behalf of all others similarly situated,

Plaintiff,

vs.

THE CJS SOLUTIONS GROUP, LLC,
d/b/a THE HCI GROUP,

Defendant.

Court File No. 0:18-CV-01647-PAM-DTS

**DEFENDANT'S AMENDED
MOTION TO DISMISS OPT-IN
PLAINTIFF JONATHAN BACKERS
AND NATIONWIDE COLLECTIVE
ACTION ALLEGATIONS**

Pursuant to Federal Rule of Civil Procedure 12(b)(2), Defendant The CJS Solutions Group, LLC, d/b/a The HCI Group (“HCI”) respectfully moves the Court for an order dismissing Opt-in Plaintiff Jonathan Backers from this lawsuit. Because Backers did not work as an independent contractor for HCI in Minnesota, the Court lacks personal jurisdiction over HCI as to his claims. Accordingly, he should be dismissed from this lawsuit.

For the same reason, to the extent the Complaint alleges a nationwide collective action under the FLSA, those allegations must be dismissed. As with Backers, the Court lacks personal jurisdiction over HCI as to the FLSA claims of any independent contractor who did not live in Minnesota or perform services for HCI in Minnesota. *Bristol-Myers Squibb Co. v. Superior Court of Cal.*, 137 S. Ct. 1773 (2017); *Canaday v. Anthem Companies, Inc.*, No. 119CV01084STAJAY, 2020 WL 529708, at *6 (W.D. Tenn. Feb. 3, 2020) (granting motion to dismiss opt-in plaintiffs for lack of personal jurisdiction over the defendant); see also *Vallone, et al., v. The CJS Solutions Group, LLC d/b/a The HCI Group*, Civ. No. 19-1532 (PAM/DTS), Dkt. 49, slip op. at 5-7 (D. Minn. Feb. 2, 2020) (Magnuson,

J.) (limiting the Court's personal jurisdiction over HCI to claims with a connection to Minnesota). HCI's memorandum of law and other materials in support of this Motion will be filed in accordance with the rules of this Court.

Date: March 24, 2020

s/Corey J. Christensen

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